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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 7, 2001

COMMONWEALTH OF VIRGINIA, ex. rel.

JEFFREY D. BARNES

v.

CASE NO. PUC990246

MCI WORLDCOM NETWORK SERVICES OF  
VIRGINIA, INC.

and

MCI WORLDCOM COMMUNICATIONS OF  
VIRGINIA, INC.

ORDER DISMISSING COMPLAINT

On December 21, 1999, Jeffrey D. Barnes filed a formal complaint with the State Corporation Commission ("Commission") against MCI Telecommunications Corporation alleging unjust and unreasonable charges for calls made using the MCI Maximum Security Collect service. At the time of this filing, Mr. Barnes was an inmate at a Virginia Department of Corrections ("DOC") facility in Dillwyn. By Preliminary Order of February 4, 2000, the Commission docketed Mr. Barnes' complaint and consolidated it with a similar complaint filed by Robert E. Lee Jones, Jr., in Case No. PUC990157.<sup>1</sup>

Pursuant to procedural Orders in the consolidated cases, Barnes filed responsive pleadings on April 13, 2000, and June 2,

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<sup>1</sup> We deemed the complaints to be filed against MCI WorldCom Network Services of Virginia, Inc., and subsequently added MCI WorldCom Communications of Virginia, Inc., as a party.

2000. Mr. Barnes' April 13 filing noted that correspondence to him after May 11, 2000, should be sent to 602 Water Point Lane, Midlothian, Virginia 23112. Mr. Barnes' June 2, 2000, filing showed his address as 517 Fountain Lake Drive, Apartment 102, Virginia Beach, Virginia 23451. Commission Orders in the consolidated cases subsequent to this time, including Orders of September 26, 2000, and December 28, 2000, concerning the scheduled hearing on these matters, were served on Mr. Barnes at the address provided in his June 2, 2000, pleading. Mr. Barnes made no subsequent filings in this matter, including not filing testimony by August 20, 2000, as required by the Commission's September 26, 2000, Order.

At the February 14, 2001, hearing on these consolidated cases, counsel for the Commission Staff represented that he had received a telephone call from Mr. Barnes after his release from the DOC, at which time Mr. Barnes was residing in Virginia Beach at the address the Commission has on file from the June 2, 2000, filing. Counsel for the Staff further represented that he had received no further contact from Mr. Barnes since that time and that mail to the Virginia Beach address has been returned.<sup>2</sup> At the hearing on February 14, the Commission asked in open court

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<sup>2</sup> Mail from the Commission to Mr. Barnes has been marked by the Postal Service "Return to Sender - Moved Left No Address - Unable to Forward."

if Mr. Barnes was present and received no response.<sup>3</sup> The Commission subsequently ruled from the bench that the petition of Jeffrey D. Barnes will be dismissed.

Accordingly, IT IS ORDERED that the complaint of Jeffrey D. Barnes is dismissed and the papers herein all be placed in the Commission's file for ended causes.

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<sup>3</sup> Transcript at 5.